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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,875	02/27/2002	Carl Mizuyabu	1376.0200080	4740
34456	7590	08/15/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			PATEL, NITIN C	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/083,875

Applicant(s)

MIZUYABU ET AL.

Examiner

Nitin C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,16-18,28,31,32,34-38,41-43,45,46,48 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,8-10,16-18,28,31,32,34-38,41-43,45 and 46 is/are allowed.
- 6) ☒ Claim(s) 11-13 and 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in responsive to amendment filed on 1 August 2001.
2. Claims 2 – 7, 14 – 15, 19 – 27, 29 – 30, 33, 39, 40, 44, 47, 49, and 50 have been cancelled.
3. Claims 1, 8 – 10, 16 – 18, 28, 31, 32, 34 – 38, 41 – 43, 45 – 46, are allowed.

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

4. Claim number 40 is missing in sequence. Appropriate correction is required if it is cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11 – 12, and 48 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rosch, US Patent 6,243,820 B1.
6. As to claims 11, and 48, Rosch discloses a method comprising:

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a. identifying an operating characteristic-of an instruction buffer, the operating characteristic comprising at least one of a buffer-fullness, a rate of change of a number of pending instructions stored in the instruction buffer or a type of instructions stored in the instruction buffer and adjusting, a system characteristic based on the operating characteristic, wherein a power consumption of a system is modified based on the system characteristic and wherein adjusting the system characteristic includes modifying a clock speed [col. 3, lines 28 – 38, 51 – 58, col. 5, lines 15 – 29, col. 6, lines 49 - 65].

7. As to claim 12, Rosch discloses oscillator [18] and crystal [20] coupled to a source of power through transformer to generate the desired frequencies therefore he teaches to modify the power based on the power required for the clock speed [col. 5, lines 35 – 37].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosch, US Patent 6,243,820 B1 as applied to claims 11, and 48 above, and further in view of Bucher, US Patent 6, 678,737 B1.

9. As to claim 13, Rosch discloses a method comprising: an identifying an operating characteristic-of an instruction buffer, the operating characteristic comprising at least

one of a buffer-fullness, a rate of change of a number of pending instructions stored in the instruction buffer or a type of instructions stored in the instruction buffer and adjusting, a system characteristic based on the operating characteristic, wherein a power consumption of a system is modified based on the system characteristic and wherein adjusting the system characteristic includes modifying a clock speed [col. 3, lines 28 – 38, 51 – 58, col. 5, lines 15 – 29, col. 6, lines 49 - 65].

However, Rosch does not teach that the system characteristic includes altering the number of bits used to represent multimedia data.

Bucher teaches home network appliance and method for data management for multimedia data including trans-coding of MPEG multimedia data by reducing number of bits that used to represents the data for particular portions of an image [col. 6, lines 51 – 65].

It would have been obvious to one of ordinary skill in art, having the teachings of Rosch and Bucher before him at the time of invention was made, to modify apparatus and method of the data processing for reducing power usage as disclosed by Rosch to include a trans-coding of MPEG multimedia data by reducing number of bits to represent multimedia data as taught by Bucher in order to obtain relatively simple processing of multimedia data with reduced Signal-to-noise ratio and saving valuable memory space [col. 6, lines 44 – 47, 55 – 65].

10. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

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applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

11. **Prior Art not relied upon:** Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

#### ***Reasons For Allowance***

12. The following is an examiner's statement of reasons for allowance: Applicant's claimed invention distinguishes over the prior art for following reasons.

The independent claims 1, 28, and 38 are allowable over the art of record and none of the references either alone or in combination, discloses or renders obvious a system and method to identify the rate of change of number pf pending instructions stored in buffer and adjust the system characteristics based on rate of change of number pf pending instructions.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:45 am - 5:15 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel  
August 11, 2005

  
**LYNNE H. BROWNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**